



## Appeal Decision

Site visit made on 29 April 2025 by R Dickson BSc (Hons) MSc MRTPI

### Decision by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 September 2025

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### Appeal Ref: APP/D0840/W/24/3356848

### Land West of Hamara Ghar, Trevenen Bal, Helston TR13 0PP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle
  - The appeal is made by Hendy Developments Ltd against the decision of Cornwall Council.
  - The application Ref is PA24/07768.
  - The development proposed is for the construction of up to 3 dwellings (minimum 1, maximum 3).
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### Decision

1. The appeal is dismissed.

### Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Preliminary Matters

3. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted<sup>1</sup>. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have considered the appeal accordingly.

### Main Issue

5. The council has determined that the land use and amount of development proposed would be acceptable. The main issue is therefore whether the site is suitable for residential development, having regard to its location.

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<sup>1</sup> PPG Paragraph: 012 Reference ID: 58-012-20180615

## Reasons for the Recommendation

6. Trevenen Bal is a small settlement within the countryside. The settlement is formed around a road, with most of the dwellings on one side of this road. To the other side of the road, a cul-de-sac is positioned at one end, while a collection of older terrace properties is at the other. Between the cul-de-sac and terrace are two fields with an access track between them.
7. Policy 3 of the Cornwall Local Plan Strategic Policies 2010-2030 (Local Plan) sets out the council's approach to the location of new dwellings. It identifies that in locations such as Trevenen Bal, housing will be delivered through a number of mechanisms, including rounding off settlements within or immediately adjoining the settlement. The supporting text for policy 3 defines rounding-off as being applicable to land that is substantially enclosed but outside of the urban form of a settlement and where its edge is clearly defined by a physical feature that also acts as a barrier to further growth.
8. The appeal site is located within part of the larger of the two fields identified above, nearest the cul-de-sac. The field is undeveloped and is therefore considered to be outside the urban form. Notwithstanding, the southern boundaries of both fields are consistent with one another and, from the evidence before me and my observations on site, are approximately in line with the southern extent of the dwellings accessed from the cul-de-sac, and the terrace. The physical features on site lead me to conclude that the site is located within the settlement of Trevenen Bal. As such, development in this location would not extend into the open countryside and in this regard would not harm the character and appearance of the area.
9. The appeal site fronts the main route through Trevenen Bal and there are dwellings opposite. Directly adjacent to the site are dwellings, which are accessed from the road, and the cul-de-sac. As alluded to, the other end of the site is adjacent to an access track. The fourth side of the appeal site is not bound by any established physical features, as the red line boundary bisects the field parallel to the road. Despite one side not being bound, to my mind, the boundary features on three sides would substantially enclose the site. In this regard, the proposal meets the rounding off criterion of Local Plan policy 3 and its supporting text.
10. Policy T1 of the Cornwall Council Climate Emergency Development Plan Document (2023) (DPD) requires new development to be designed and located to encourage sustainable transport. Amongst other matters, Policy 21 of the Local Plan provides encouragement will be given to proposals that increase building density where appropriate, taking into account access to services and facilities to ensure the best use of land.
11. Trevenen Bal is a small settlement which does not have access to any services or facilities within it. Despite it being located geographically near to Helston, there are no dedicated pedestrian or cycle routes to or from services or facilities from Trevenen Bal. There are bus stops located on the main road, just outside of the village, however I have not been provided with any evidence relating to the frequency or route of the busses which service the stop. In any case, the bus stop would be accessed from Trevenen Bal by walking along an unlit grassed verge and within the carriageway itself. Owing to the limited sustainable transport options servicing Trevenen Bal, future occupants of the proposed dwellings would be solely or heavily reliant upon a private vehicle to access services and facilities in the

surrounding area that would be reasonably required on a day-to-day basis. This is the least sustainable mode of travel.

12. For the above reasons, the proposed development would be in accordance with policies 2, 3, 12 and 23 of the Local Plan in so far as it would round off the settlement, taking its character and setting into account while being of an appropriate density. It would also be in accordance with paragraph 135 of the National Planning Policy Framework (2024) (the Framework).
13. However, the proposal would be in an unsustainable location, with limited access to sustainable transport options to access local services and facilities. It would place an undue reliance on private vehicles and would therefore conflict with policies 1 and 21 of the Local Plan, which in part require developments to take into account access to services and facilities, as well as policies C1 and T1 of the DPD, which seek to maximise the ability to make trips by public transport, sustainable and active modes of transport. As such, the proposal would not be in a suitable location, having regard to the requirements of the policies of the development plan. It would conflict with the aims of paragraphs 8, 115, and 117 of the Framework.
14. The Council identifies that the development is in conflict with policy 7 of the Local Plan, which deals with housing in the countryside and rural exception sites respectively. However given my findings above, these policies are not relevant in this instance. Within the Council's decision notice, it states that the proposal is contrary to policy 1 of the Cornwall Site Allocations Development Plan Document (2019) (CSADPD), however the CSADPD did not have policy 1, nor any other policies of relevance to the appeal before me. It was also identified that the proposal would be contrary to paragraph 187 of the Framework, however, these considerations are outside of the scope of the permission in principle case before me. As a result, I find no conflict with Policy 1 of the CSADPD or paragraph 187 of the Framework.

### **Other Matters**

15. The evidence outlines that the Council are unable to demonstrate a five-year supply of deliverable housing sites.
16. The proposal would deliver housing and would result in an, albeit small, increase in the Council's overall housing number. It would also bring a number of additional residents to the area who would contribute to the local economy. These are benefits that weigh in favour of the appeal.
17. I have nevertheless identified that it would conflict with the policies designed to ensure that development is sustainably located. These policies are consistent with the aims of the Framework in terms of the delivery of sustainable development, the prioritisation of sustainable transport modes. This alignment increases the weight given to the policy conflict. Therefore, the conflict with these policies results in the development conflicting with the development plan when taken as a whole.
18. Paragraph 11 d) ii of the Framework requires that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, developments should be granted planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the

Framework taken as a whole, having particular regard, amongst other things, to key policies for directing development to sustainable locations.

19. This applies to applications involving the provision of housing in situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. As the Council are unable to demonstrate a five-year supply of deliverable housing sites, it therefore follows that paragraph 11 d) of the Framework is engaged.
20. In terms of the proposed development, the starting point is therefore that permission should be granted unless the adverse impacts would significantly and demonstrably outweigh the benefits.
21. In this case the adverse impacts of the proposal in terms of the harm with regard to the proposed development not being in a sustainable location, would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This includes having particular regard to key policies outlined in paragraph 115 of the Framework in terms of and ensuring that sustainable transport modes are prioritised.
22. The proposal does not therefore benefit from the presumption in favour of sustainable development given by paragraph 11 of the Framework.

### **Planning Balance and Recommendation**

23. Section 38(6) of the Planning and Compulsory Purchase Act, 2004 outlines that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
24. The outcome of the Framework paragraph 11 d) process above indicates that the decision should be taken in accordance with the development plan.
25. The proposed development would result in a small increase in the Council's overall housing number and would also bring a number of additional residents to the area who would contribute to the local economy. When combined with the Council being unable to demonstrate a five-year housing land supply, collectively, I give these matters significant weight in favour of the proposed development.
26. However, the adverse impacts of the proposed development in terms of not being in a sustainable location attracts greater significant weight that outweighs the benefits associated with the proposed development.
27. The proposed development would therefore conflict with the development plan and there are no identified other considerations, including the Framework, that outweigh this conflict.
28. Therefore, for the reasons given above, and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

*R. Dickson*

APPEAL PLANNING OFFICER

**Inspector's Decision**

29. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

*A M Nilsson*

INSPECTOR